

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION**

MDL No. 2419
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

MOTION TO CANCEL JUNE 1, 2017 STATUS CONFERENCE

The Plaintiffs' Steering Committee hereby respectfully moves to cancel the June 1, 2017 status conference. The next status conference would then be July 20, 2017.

Having reviewed the docket, it appears that there are no matters ripe for resolution or oral argument. Responses to the Tennessee clinic defendant's motion for reconsideration (regarding depositions of NECC personnel and the FDA) are not due until June 2, 2017.¹ While Box Hill has again moved for remand, the Box Hill plaintiffs have not yet opposed.² And the Specialty Surgery Center mediation has not yet occurred. Further, scheduling conflicts have arisen that make it difficult for an attorney from Hagens Berman Sobol Shapiro LLP to participate in person.³

The PSC and the Tort Trustee will still file their respective status reports by June 1, 2017. The PSC will address what the Court needs to do now (and later) to wind down the MDL. The Tort Trustee will address the status of first round payments and the anticipated timing for second round payments.

The PSC advised counsel for the defendants, the Box Hill plaintiffs, the Tennessee plaintiffs, the U.S. Attorney's office, the Tort Trustee, and the Post-Confirmation Officer that it

¹ ECF No. 3381; ECF No. 3383 (electronic order).

² ECF No. 3379; ECF No. 3380.

³ If the Court chooses to hold the status conference, we respectfully request permission for Atty. Kristen Johnson to participate by telephone.

intended to move to cancel the hearing, requesting any objections by noon today. So far, the Tennessee plaintiffs and Box Hill plaintiffs consented. No one has objected.

Dated: May 25, 2017

Respectfully submitted,

/s/ Kristen A. Johnson

Thomas M. Sobol (BBO# 471770)
Kristen A. Johnson (BBO# 667261)
HAGENS BERMAN SOBOL SHAPIRO LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Phone: (617) 482-3700
Fax: (617) 482-3003
tom@hbsslaw.com
kristenj@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Phone: (415) 956-1000
Fax: (415) 956-1008
ecabraser@lchb.com
mchalos@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Phone: (248) 557-1688
Fax: (248) 557-6344
marc@liptonlawcenter.com

Kim Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: (617) 933-1265
kdougherty@myadvocates.com

Patrick T. Fennell
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, Virginia 24016
Phone: (540) 342-2000
pfennell@crandalllaw.com

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSETTER, STRANCH &
JENNINGS PLLC
The Freedom Center
223 Rosa L. Parks Avenue, Suite 200
Nashville, TN 37203
Phone: (615) 254-8801
Fax: (615) 255-5419
gerards@branstetterlaw.com

Mark Zamora
ZAMORA FIRM
6 Concourse Parkway, 22nd Floor
Atlanta, GA 30328
Phone: (404) 451-7781
Fax: (404) 506-9223
mark@markzamora.com

Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: May 25, 2017

/s/ Kristen A. Johnson
Kristen A. Johnson, BBO # 667261